

**REMARKS**

This is a response to a non-final office action dated July 7, 2009. In the office action, claims 1-8 are rejected as obvious over a combination of the prior art. In response, claim 1 has been amended and claim 3 has been canceled. Claim 4 also has been amended to reflect the cancellation of claim 3 and the amendment to claim 1. In light of the foregoing amendments and following remarks, applicants respectfully submit that pending claims 1-8 are in condition for allowance and respectfully solicit same.

**Claim Rejections – 35 U.S.C. §103**

In the office action, claims 1-8 stand rejected as being obvious over U.S. Patent No. 4,776,650 (“Ferenzi”) in view of U.S. Patent No. 4,121,720 (“Hayes”). Applicants respectfully disagree. To support an obviousness rejection, MPEP §2143.03 requires “all words of a claim to be considered” and MPEP §2141.02 requires consideration of the “[claimed] invention and prior art as a whole.” Further, the Board of Patent Appeals and Interferences recently confirmed that a proper, post-KSR obviousness determination still requires the Office to make “a searching comparison of the claimed invention – including all its limitations – with the teaching of the prior art.” See, *In re Wada and Murphy*, Appeal 2007-3733, citing *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995).

Ferenzi in view of Hayes fails to meet this standard. Independent claim 1 has been amended to specify, among other things, that the display has a connecting element, of which the upper end includes a pivoting structure. Also, the claimed display has a connecting element comprising a vertical panel to which the mirror is attached, the vertical panel extending downward via a support panel to which the display element is attached, the support panel being tilted downward relative to the vertical panel at an angle of between 90° and 135°. These features are found in neither Ferenzi nor Hayes.

Ferenzi teaches a wall mounted cosmetic center comprising of a generally box-like enclosure defined by a top wall, a bottom wall, and a pair of side walls. The enclosure having a plurality of cosmetic-supporting shelves extending between the pair of side walls in vertically spaced relation to the bottom wall. The enclosure also having a plurality of drawers mounted under the shelves adjacent to one of the side walls. The enclosure further

having a slotted compartment mounted under the shelves adjacent to the other side wall in spaced relation to the drawers. The enclosure also includes a makeup mirror-receiving opening between the bottom wall, drawers, compartment, and the lowermost of the shelves. A pair of doors is also hingedly mounted to the side walls of the enclosure. Ferenzi does not teach a connecting element comprising a vertical panel to which the mirror is attached, the vertical panel extending downward via a support panel to which the display element is attached, the support panel being tilted downward relative to the vertical panel at an angle of between 90° and 135°. Ferenzi also fails to teach a display having a connecting element, of which the upper end includes a pivoting structure.

Hayes teaches a display disc and a plurality of vertically spaced horizontally disposed display rings, which are operatively interconnected so as to retain a fixed relationship with each other. The display disc, which is the uppermost display element, is supported by a center support member extending along the center of the display disc while the display rings are suspended from each other and from the display disc by connection elements. Hayes' display is adapted to be supported on a horizontal surface or be suspended from a ceiling or vertical surface. Hayes fails to teach a display having a connecting element, of which the upper end includes a pivoting structure. Hayes also does not teach a connecting element comprising a vertical panel to which the mirror is attached, the vertical panel extending downward via a support panel to which the display element is attached, the support panel being tilted downward relative to the vertical panel at an angle of between 90° and 135°.


Both Ferenzi and Hayes do not meet the requirements of an obviousness rejection, thus they can not be considered as prior art to this application. Therefore, the subject-matter of claim 1, as well as dependent claims 2-8, cannot be rendered obvious over Ferenzi in view of Hayes.

### CONCLUSION

In light of the foregoing, applicants respectfully submit that each of the currently pending claims 1-8 are in condition for allowance and respectfully solicit the same. If a telephone call would expedite prosecution of the subject application, the Examiner is invited to call the undersigned agent.

Dated: October 1, 2009

Respectfully submitted,

By  \_\_\_\_\_

Helya M. Azari

Registration No.: 63,586

MILLER MATTHIAS & HULL

One North Franklin Street

Suite 2350

Chicago, Illinois 60606

(312) 977-9902

Patent Agent for Applicant